

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

September 5, 2006

**CALL TO PODIUM:**

David B. Humpton

**RESPONSIBLE STAFF:**

David B. Humpton  
City Manager

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
X	Other: <b>Introduction</b>

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE:**

INTRODUCTION OF AN ORDINANCE DECLARING A ONE HUNDRED AND TWENTY (120) DAY DEFERRAL ON REDEVELOPMENT OF MULTI-FAMILY DWELLINGS IN THE R-18, R-20, R-H, CD, CBD, RPT, AND MXD ZONES

**SUPPORTING BACKGROUND:**

During the July 10, 2006 Mayor and City Council meeting, a majority of the Council Members directed staff to move forward with preparing a ordinance to implement a One Hundred and Twenty (120) day deferral on multi-family redevelopment.

The purpose of the deferral is to give the Mayor and City Council an opportunity to adopt an affordable housing ordinance and accompanying regulations prior to any redevelopment that would displace lower income residents. Additionally, the deferment period would provide the opportunity for the Mayor and City Council to review the permitted densities in existing residential zones that are ripe for redevelopment and determine if any changes are appropriate.

**DESIRED OUTCOME:**

Staff recommends that the City Council vote to introduce the Ordinance, and notify the public that the Public Hearing will be held on **September 18, 2006.**

ORDINANCE NO. \_\_\_\_\_

ORDINANCE DECLARING A ONE HUNDRED AND TWENTY (120) DAY  
DEFERRAL ON REDEVELOPMENT OF MULTI-FAMILY DWELLINGS IN THE  
R-18, R-20, R-H, CD, CBD, RPT, AND MXD ZONES.

WHEREAS, numerous existing multi-family rental communities are under contract for sale and potential redevelopment; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to adopt an affordable housing ordinance before any additional multi-family dwellings are redeveloped; and

WHEREAS, the Mayor and City Council have determined that the permitted densities in some of the City's residential zones are inappropriate and should be reviewed prior to potential redevelopment.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Gaithersburg, that a One Hundred and Twenty (120) Day deferral on redevelopment of multi-family dwellings is hereby adopted subject to the following:

- A) During the deferral period, no development applications that would result in the demolition of existing multi-family dwellings will be accepted, processed, scheduled for public hearing or acted upon.
- B) The deferral period may be extended up to Sixty (60) Days by Resolution of the City Council.
- C) The Mayor and City Council may by Resolution terminate the deferral prior to the expiration of the original one hundred and twenty (120) day period or prior to the expiration of any extension period upon a finding that the purposes to be accomplished by the deferral have been achieved or that it is in the public interest to so terminate.
- D) The Mayor and City Council may exempt any property from this redevelopment deferral by Resolution upon request of the property owner if it is determined that:
  - 1. a. the particular redevelopment is in the public interest due to the ability to prevent or eliminate decay, slums or blight in a neighborhood; and
  - b. the redevelopment will no longer be feasible if subject to the one hundred twenty (120) day deferral; and

- c. the imposition of the deferral will result in substantial financial hardship on the applicant.
  2. The City Council approves a binding agreement submitted by the applicant to provide as part of the proposed development a minimum of seven and one half percent (7.5%) moderately priced dwelling units (defined as affordable to households earning at least seventy percent (70%) of area median income as calculated by the Department of Housing and Urban Development ("HUD")) and seven and one half percent (7.5%) work force housing units (defined as affordable to households earning ninety percent (90%) of area median income as calculated by the Department of Housing and Urban Development ("HUD")).
- E) This deferral shall not be effective as to any proposed redevelopment plan which is submitted to carry out the terms and conditions of an annexation agreement which would otherwise be subject to the redevelopment deferral.

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_, 2006.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this \_\_ day of \_\_\_\_, 2006.  
APPROVED/VETOED by the Mayor of the City of Gaithersburg this \_\_ day of \_\_\_\_, 2006.

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SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the \_\_\_\_ day of \_\_\_\_, 2006, and the same was approved/vetoed by the Mayor of the City of Gaithersburg on the \_\_\_\_ day of \_\_\_\_, 2006. This Ordinance becomes effective on the \_\_\_\_ day of \_\_\_\_, 2006.

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David B. Humpton, City Manager